

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Gary Daivon Cutright,

Plaintiff,

v.

Monty Allen, O.C. Martin, Richard Evans,
Travis Oliver, Christopher Suell, Derek
Adams,

Defendants.

Civil Action No. 8:22-1169-BHH

OPINION AND ORDER

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Jacquelyn D. Austin, which was made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) for the District of South Carolina. On July 18, 2022, the Magistrate Judge issued her Report recommending that the district court dismiss this action without further leave to amend and without issuance and service of process pursuant to 28 U.S.C. § 1915A for failure to state a claim. (ECF No. 29.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Plaintiff filed no objections and the time for doing so expired on August 4 2022. (See *id.* (noting objections were due by August 1, 2022, with an additional three days to be added if served by mail).) In the absence of objections to the Magistrate Judge's Report, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff has not cured the deficiencies in his complaint. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED without leave to amend, and without issuance and service of process pursuant to 28 U.S.C. § 1915A for failure to state a claim.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 6, 2022
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.